

February 7, 2024

VIA PRO SE INTAKE

Hon. Jennifer L. Rochon, U.S.D.J.
United States District Court
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007

The Court deems this a request for an additional 10 pages, which the Court already granted in its order at ECF No. 105. Given that Plaintiff will file his objections to the report and recommendation ("R&R") by **February 16, 2024**, the Court orders that the parties shall file responses to one another's objections (not exceeding **twenty-five (25)** pages) by **February 26, 2024**. The Court is unlikely to grant further pages or extensions of time in briefing these objections to the R&R.

SO ORDERED.

Dated: February 8, 2024
New York, New York


JENNIFER L. ROCHON
United States District Judge

Re: *Arthur Balder v. Susan Sarandon, et al*, Case No.: 1:22-cv-06401-JLR-SN

TO THE HON. JENNIFER L. ROCHON:

I am the Plaintiff in this action. This letter is submitted pursuant to I.B. and I.G. of your Honor's Individual Practices rules to bring to Your Honour's attention the fact that Defendants have blatantly lied in the filing and to file a Motion for Sanctions, or for the Court to raise them sua sponte.

Exhibit 1 shows that on 12/22/2023, **docket 89**, Plaintiff submitted a letter requesting extension of time to file the Objections, but **also requesting permission for it to be 60 pages long**.

Plaintiff requested permission for extension, and Defendants' know it because they have the file.

There were two reasons for this request:

- 1) The NYLAG pro se clinic help has been extremely slow and scarce in helping of late due to Christmas break and overburden with people requesting its help, and Plaintiff was advised not to leave anything important out of the Objections.
- 2) Defendants' have conspicuously denied the existence of allegations in the TAC in order to file a Motion to Dismiss, as Plaintiff demonstrated in his Opposition, and as the Report and Recommendation also acknowledges, denying dismissal by proving that the pleadings exist in the TAC, as much as Defendants' main tactic consists on pretending allegations not present.

Plaintiff read Your Honours "JLR Rochon Individual Rules in Civil Pro Se Cases." No indication points there the pro se reader to also study the "JLR Rochon Individual Rules of Practice in Civil Cases", and Plaintiff did not read it. Plaintiff has downloaded and read it.

All documents presented by Plaintiff up to this date have been in font 12 and double space. Plaintiff has not been ever a litigant who attempts to circumvent such principle, but thanks Your Honour for the cautioning.

Exhibit 2, Docket nr. 101, contains Defendants letter submitted by Defendants on 02/06/2024 requesting the Court to “strike” the Objections.

In that letter, as highlighted, attorneys state:

“Plaintiff is aware of the need to seek leave for additional pages.”

“It is clear that Plaintiff is aware of the requirement to request to file excess pages, and therefore, his failure to do so should not be excused.”

Defendants have presented to Your Honor that Plaintiff has “failed to do so”, i.e. that he has failed to seek leave for additional pages.

That is absolutely false, in light of Exhibit 1.

Plaintiff, a pro se, should not be prejudiced by Defendants’ penchant to confound and especially to lie, and this situation simply and directly helps to highlight what has been going on now since August 2022, when Defendants moved this case from NY Supreme Court.

Therefore Plaintiff seeks sanctions against Defendants’ attorneys for lying blatantly to, under the appearance of righteousness and knowledge of the law, mislead the Court and present Plaintiff gratuitously as a a person who knows he has to seek a leave for pages and that he does not seek to present Plaintiff as a reckless character that disregards this Court, when in fact they perfectly know Plaintiff did asked that leave, all thanks to their own lies and omissions.

This is particularly egregious in light of their unscrupulousness to proceed this way under the very eyes of the Court, expecting always that Plaintiff and the Court, acting in good faith, will simply be, the first one misled and the other cowered into their bad faith playbook methods.

Plaintiff wishes to remind Your Honour, that, after reviewing procedures individual rules by Your Honour, he has found that any party may contact the court whenever a pending motion is so for more than 60 days, which we find very helpful. I have failed to find a similar provision in Honorable Sarah Netburn’s individual rules for civil cases, whose work and time we greatly appreciate and respect. Hon. Netburn published the Report & Recommendations around **eight (8) months after the las paper filed related to the Motion to Dismiss** (Reply to our Opposition by Defendants, by beginning May 1sr, 2023, and we never contacted her chamber as regards to this pending motion in all that time.

It cannot be doubted that Plaintiff, who suffers the consequences of Defendants’ wrong actions, has been sympathetic and respectful towards these Courts, and towards Hon. Netburn’s schedule needs, probably related to a great burden of many cases, we assume, which also we think has had an impact in

evaluating some causes of action, but it can be remedied and cured in light of the Objections.

THEREFORE Plaintiff beseeches the Court reconsiders the decision in light of all these facts, and allows some 10 to 20 extra pages (addition ally to the 25 by rules) for our Objections to be filed on February 16, 2024, granting equally same extra length to Defendants Reply.

THEREFORE Plaintiff beseeches also Your Honor to order sanctions against Defendants for using blatant lies as a means to take advantage of us and even to use them to request striking the Objections (thus in search of enormous prejudice for Plaintiff), in just another sign of their bad legal practice, bad faith, and their desperate attempts to distract the Court from this egregious case situation of their creation.

We sincerely appreciate your Honour's time and consideration in this matter.

Respectfully Submitted,

/s/ Arthur Balder

Cc. All other Parties (via ECF).